S.B. Civil Writ Petition No.2958/06
Surya Kant Sharma Vs. State & Ors.

Date of Order : 18/04/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Dileep Singh Jadoun, for petitioner

The petitioner claims himself to be adopted son of deceased Prem Narain Sharma, who while in service died on 25th December, 1982.

Petitioner claims himself to be close relative of late Shri Prem Narain Sharma to whom he went in adoption on 6th November, 1981 and after his death, he got family pension upto the age of 21 yrs. which is evident from document Ann.3 dt.19th September, 2002.

Counsel submits that his application seeking compassionate appointment has been rejected by the competent authority vide order Ann.5 dt.22nd December, 2003 in an arbitrary manner without assigning any reason which is in violation of Art.14 of the Constitution.

Consideration of compassionate employment is not a vested right. Whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object being to enable the family to get over financial crisis which it faces at the time of

the death of the sole breadwinner, the compassionate employment cannot be claimed and offered at any later point of time or after the crisis is over. Mere death of an employee in harness does not enetile his family to such source of livelihood. The provisions under the service rules to seek compassionate employment to the family of deceased employee have been made to mitigate financial hardship of the grieved family which has lost its bread earner, as an exception to the provisions of Articles 14 & 16 of the Constitution of India.

By now 24 years have passed, the very object with which the employment has been sought under Rules of 1996 no more survives for consideration and after rejection of his candidature in 2003, the writ petition has been filed in 2006 almost after three years, no satisfactory explanation even otherwise has been furnished.

Consequently, the writ petition stands dismissed.

[Ajay Rastogi],J.

FRB